Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes August 7, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 7, 2009, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Faricy, Lu, Morton, Porter, Smitten, Thao, Wencl; and

Present: Messrs. Alton, Bellus, Gordon, Kramer, Margulies, Nelson, Spaulding, and

Ward.

Commissioners

Absent:

Messrs. *Commers, *Goodlow, *Johnson, and *Schertler.

*Excused

Also Present: Donna Drummond, Planning Administrator; Allan Torstenson, Luis Pereira,

Emily Goodman, and Angela Simons, Department of Planning and Economic

Development staff.

I. Approval of minutes July 24, 2009.

<u>MOTION</u>: Commissioner Gordon moved approval of the minutes of July 24, 2009. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Alton announced that all the commissioners have in their packets a copy of the materials that were forwarded to the Metropolitan Airports Commission regarding the actions taken at the last Planning Commission meeting. This includes a memorandum from the Planning Commission and a letter from the Mayor.

Also, for those interested the Irish Fair is happening this weekend at Harriet Island in Saint Paul.

III. Planning Administrator's Announcements

Donna Drummond reported that on Wednesday the City Council unanimously approved the Grand Avenue Special Sign District regulations, which went through the Planning Commission in June.

She also reminded commissioners who are members or want to join the American Planning Association that they need to submit the dues by the end of August. The dues are \$69.00 per year and a check may be submitted to Sonja Butler.

IV. Zoning Committee

OLD BUSINESS

#09-089-752 Walgreens (Ford Parkway) – Site plan review for a new Walgreen's Drug Store. 2101 Ford Parkway. (*Tom Beach*, 651/266-9086)

Commissioner Morton reported that the Zoning Committee laid this case over until the additional traffic study is complete.

NEW BUSINESS

#09-097-851 J & Bean Factory – Conditional Use Permit for a coffee shop larger than 800 sq. ft. gross floor area. 1518 Randolph Avenue SE corner at Saratoga. (Sarah Zorn, 651/266-6570)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the Conditional Use Permit subject to additional conditions. The motion carried unanimously on a voice vote.

#09-096-915 Teng Her – Re-establishment of legal nonconforming use as a duplex. 667 Edmund Avenue between St. Albans and Dale. (*Luis Pereira*, 651/266-6591)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#09-096-498 East Mall Associates – Rezoning from BC Community Business (converted) to B2 Community Business. 841 Grand Avenue between Victoria and Avon. (*Emily Goodman*, 651/266-6551)

Commissioner Spaulding said that Ms. Goodman made the opposite recommendation from the Zoning Committee; he asked if she could elaborate on that.

Ms. Goodman, PED staff, said that she recommended denial because the District 16 Plan, strategy G4, states, "Retain BC (commercial use residential structures) and residential zoning on Grand Avenue." While there are also Comprehensive Plan policies that generally support businesses redevelopment, this is the most specific relevant policy

Commissioner Kramer said that he has reached almost the opposite conclusion based on the totality of the Comprehensive Plan and Grand Avenue planning documents. The District 16 Plan calls for containing commercial uses within existing commercial district boundaries. The plan talks about retaining BC zoning (commercial use in residential structures) and residential zoning on Grand Avenue; this property already has a commercial use and commercial zoning. It doesn't make sense to interpret the District 16 Plan to mean there can be no zoning changes on Grand Avenue. If there is any place on Grand Avenue that should be zoned B2, it would be property that is adjacent to B2 (as this one is) at a major intersection. The East Grand Avenue Overlay District, which applies TN design standards and additional building regulations to whatever might be developed on this parcel, provides enough control for this property.

Commissioner Margulies said that at the Zoning Committee meeting he voted for approval of the rezoning for the same reasons that Commission Kramer stated. The only way that Commissioner Margulies could make sense of the two plans was to come to the conclusion Commissioner Kramer just articulated.

Commissioner Gordon said he was one of the two commissioners who voted the other way. He thinks the staff report has it right. You can find something in the Comprehensive Plan that will support almost anything. Here we have some general statements in the Comprehensive Plan that would support rezoning, but at the same time we have very specific language that does not support the rezoning. The specific has to hold sway over the general. It's no accident that the Comprehensive Plan contains this specific language. The District 16 Plan is the product of long and difficult negotiations and compromise by a lot of different parties and players. It has been very hard work to get to where we are on Grand Avenue, and Commissioner Gordon thinks approving this rezoning would be disrespectful to people who put time into the plans and take away from the unique character of the street.

Commissioner Nelson said his understanding is that BC zoning was put in place specifically to allow residential buildings to become businesses. He thinks it is a matter of the character of the street. Grand Avenue is unique and we need to try and maintain that character, otherwise we will end up with things like the intersection of University and Snelling where there is a giant property that has no differentiation to help create the type of city form we are trying to develop and maintain.

Commissioner Bellus said it seems to him there should be a good reason and logic to rezone property, and he does not see the planning rationale behind this rezoning.

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation for approval of the rezoning.

<u>ROLL CALL VOTE</u>: The motion to recommend approval of the rezoning failed on a roll call vote of 7-8 (Bellus, Donnelly-Cohen, Gordon, Lu, Nelson, Porter, Spaulding, and Wencl) with 1 abstention (Alton).

Allan Torsterson, PED staff, said that in a rezoning the Planning Commission makes a recommendation to the City Council and a motion that passes is needed. A motion that does not pass is not a recommendation.

<u>MOTION</u>: Commissioner Nelson moved to recommend denial of the rezoning based on the findings in the staff report. Commissioner Gordon seconded the motion.

<u>ROLL CALL VOTE</u>: The motion to recommend denial of the rezoning carried on a roll call vote of 8-7 (Faricy, Kramer, Margulies, Morton, Smitten, Thao, Ward) with 1 abstention (Alton)

#09-198-725 Rob Anderson – Enlargement of nonconforming duplex, adding third floor living space for second floor unit. 1800 Englewood Avenue between Fairview and Wheeler. (Sarah Zorn, 651/266-6570)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the enlargement of nonconforming use.

Commissioner Nelson said that he found one inconsistency in the draft resolution. Under finding #1, in the last two sentences, it says, "To make more room for the bedrooms, the applicant will add dormers to either side of the home. This expansion requires an enlargement of conforming use permit". Yet under finding #4D it says, "All remodeling work for the duplex is on the inside of the structure. This guideline is met. Although the dormers will change the building envelope, they do not extend into the property's side yard and will not lead to a future expansion." There is an inconsistency there that we have to grant this because of the dormers, yet we say the dormers are not enlargement of the building. Commissioner Nelson suggests that finding #4D should say that all of the work is <u>not</u> being done inside the structure, and this guideline is <u>not</u> met. These are guidelines, so all these items do not have to be met. He also said that he does not want to set a precedent that dormers and other expansions like that are considered by the Planning Commission to be remodeling work that is inside the structure, because clearly it is not inside the structure.

Commissioner Nelson also said that in the sketches, there is an existing back stairway being eliminated from the plan. The building code states in order to have a third floor with that many square feet, it is required to have two stairways, so elimination of a stairway within a building is not permitted. He also asked about the height of the building and if the new dormers would require a height variance. His suggestion is to put a condition on this approval that all building and zoning code requirements be met.

Commissioner Bellus suggested the condition should be specific about building height and stairways. More discussion followed.

Commissioner Kramer moved to lay this case over two weeks to the next Planning Commission meeting on August 21, 2009, for staff to draft such a condition. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

Commissioner Morton announced the items on the agenda for the next Zoning Committee meeting on Thursday, August 13, 2009.

V. <u>Planning Team Organization and Update on Planning Work Program</u> – Informational presentation by Donna Drummond, Planning Administrator. (*Donna Drummond*, 651/266-6556)

Donna Drummond gave an informational power point presentation about the planning team organization and update on the planning work program. Ms. Drummond wanted to give an update on how the planning team is being organized, since the Department of Planning and Economic Development has been re-organized recently. She went over some of the work being done to organize the work program and provided an update on what items will be coming to the Planning Commission. Ms. Drummond distributed hand outs of the different planning teams and staff on those teams, along with lists of planning team projects and staff contacts. She also provided a spreadsheet of comprehensive plan implementation activities, noting which are current planning projects.

Commissioner Margulies asked a person has a redevelopment proposal or an issue at a specific location, who should they call for guidance before starting the project?

Ms. Drummond suggested that person start with the lead planner for the appropriate geographic area.

Chair Alton asked how the budget issues the City is facing will affect the planning staff and planning work program.

Ms. Drummond said that the Mayor will announce his proposed budget for 2010 next week. The way it stands right now in terms of planning staff we will not see any reductions in 2010, but we did have one reduction this year as Larry Soderholm was not replaced. There will be some other proposed reductions in Planning Economic Development as part of the 2010 budget. There are a number of vacant positions that will be eliminated, four people will be laid off, and a couple of people will be transferring to other departments.

VI. Comprehensive Planning Committee

Commissioner Donnelly-Cohen reported that their next meeting is on Tuesday September 1, 2009 and one of the items on the agenda is bicycle parking.

VII. Neighborhood Planning Committee

Commissioner Wencl reported that there has been a lot of discussion on the Dynamic Display ordinance and they will be finishing up their discussions on Wednesday August 12, 2009. They will then start the Residential Infill guidelines.

VIII. Communications Committee

IX. Task Force Reports

Commissioner Kramer announced that there was a 3M Task Force meeting last night and they are continuing to evaluate options in light of the building reuse study.

X. Old Business

XI. New Business

XII. Adjournment

Meeting adjourned at 9:50 a.m.

Recorded by Angela Simons and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul

Respectfully submitted,	Approved
	(Date)
Donna Drummond Planning Administrator	Marilyn Porter Secretary of the Planning Commission

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